

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. STEBBINS,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 23-cv-00322-TLT

**ORDER DENYING MOTION TO
APPEAR REMOTELY; TAKING
MOTIONS UNDER SUBMISSION;
CLARIFYING SCHEDULE**

Re: ECF No. 55

Pending before the Court is Plaintiff David Stebbins's motion for leave to appear remotely for a hearing scheduled for July 11, 2023, on Defendant's motion to dismiss and Plaintiff's motion to strike. ECF No. 55. The Court finds that this motion can be resolved without the need for oral argument. *See* Civ. L.R. 7-1(b).

As an initial matter, the Court does not hold remote motion hearings. As stated in the Court's Civil Standing Order, "[a]ll hearings and appearances will be held in Courtroom 9 on the 19th floor of the United States Courthouse, 450 Golden Gate Avenue, San Francisco, California." Standing Order for Civil Cases Before District Judge Trina L. Thompson ¶ 4. Only Case Management Conferences are held remotely. *Id.* ¶ 19. Plaintiff must abide by the Court's Standing Orders. *See Joerger v. Reno*, 112 F.3d 516, 516 n.1 (9th Cir. 1997) ("A pro se litigant is obligated to 'follow the same rules of procedure that govern other litigants.'") (quoting *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987)); Civ. L.R. 1-5(o).

In addition, Plaintiff has not provided good cause for the Court to set aside its Standing Order. Plaintiff refers to financial hardship as the reason the Court should permit remote appearance. The Court notes, however, that Plaintiff chose to commence the action in this forum. As such, Plaintiff must prosecute the action accordingly.

For the foregoing reasons, the Court **DENIES** Plaintiff's motion to appear remotely for the

1 hearing on July 11, 2023. As the parties both agree that the pending motion to dismiss and motion
2 to strike can be resolved on the papers, the Court takes these motions **UNDER SUBMISSION**
3 and accordingly **VACATES** the hearing on July 11, 2023.

4 The Court clarifies the upcoming schedule in this action. The parties next appear before
5 the Court for a Case Management Conference on July 27, 2023, at 2:00 PM via videoconference.
6 ECF No. 47. Separate case management statements in accordance with Civil Local Rule 16-9 and
7 Standing Order for All Judges of the Northern District of California are due July 20, 2023. *Id.*
8 Subsequently, an in-person hearing for Plaintiff's motion for partial summary judgment is
9 scheduled for August 8, 2023, at 2 PM. ECF No. 50.

10 Lastly, the Court **ORDERS** Plaintiff to comply with the Civil Local Rules. A motion may
11 not be set for hearing less than 35 days after filing of the motion. Civ. L.R. 7-2(a). Plaintiff,
12 however, filed the instant motion on June 6, 2023, and set a hearing for July 7, 2023, less than the
13 required 35 days. In addition, as the Court noted in its prior order on June 6, 2023, Plaintiff's
14 filings are not in compliance with the applicable local rules. *See* ECF No. 54; Civ. L.R. 3-4. The
15 Court may strike future filings from Plaintiff that do not comply with the Federal Rules of Civil
16 Procedure, Civil Local Rules, or the Court's Standing Orders. *See* Civ. L.R. 1-4, 1-5(o).

17 This Order terminates ECF No. 55.

18 **IT IS SO ORDERED.**

19 Dated: June 9, 2023

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22 TRINA L. THOMPSON
23 United States District Judge
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